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PART II - MISCELLANEOUS NOTIFICATIOSN OF INTEREST TO THE PUBLIC

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NOTIFICATIONS BY HEADS OF DEPARTMENTS Etc.,

PRIVATE ADVERTISEMENTS

STEVEDORING AND SHORE HANDLING POLICY FOR MAJOR PORTS, 2016

SCHEDULE

THE VISAKHAPATNAM PORT TRUST (LICENSING OF STEVEDORING & SHORE HANDLING AND ALLIED MATTERS) REGULATIONS, 2017

DRAFT NOTIFICATION

a) Short Title – These Regulations may be called "The Visakhapatnam Port Trust (Licensing of Stevedoring & Shore Handling and allied matters) Regulations. 2017".

b) They shall come into force with effect from the date of final publication in the Gazette.

a) "Act"	means the Major Port Trusts Act, 1963.
b) "Board"	means the (Major) Board of Trustees of the Port of Visakhapatnam as constituted under the Act.
c) "Chairman"	means Chairman of the "Board".
d) "Form"	means form designed by the Port.
e) "Port"	means Visakhapatnam Port.
f) "Port Trust"	means Visakhapatnam Port Trust.
g) "Stevedore"	is an authorized agent for loading and unloading and stowage of cargo in any form on board the vessels in Ports and to whom the license has been given under Regulations 5.

h) "Shore Handling Agent" is an authorized agent for arranging and receiving the cargo to/from the hook point, intermodal transport from wharf to stock yard and vice-versa and also receiving and delivering of cargo from/to wagons/trucks.

i) "Traffic Manager" means the Officer of the Visakhapatnam Port Trust for the time being in charge of the Traffic Department and includes the Deputies and Assistants to the Traffic Manager and any other Officers acting under the authority of the Traffic Manager.

3. SCOPE.

The policy shall cover the following activities:-

(i) Stevedoring activities undertaken by the Port and / or licensed Stevedore in a Major Port.

(ii) Shore handling activities undertaken by the Port and / or licensed Shore Handling Agent or by agents under any other name.

The Stevedoring and Shore handling to cover the activities on board and on shore respectively. Combined Stevedoring and Shore Handling licenses will be handled by the Port and any exceptions would need to be approved by the Board or equivalent authority basing on credible justification for it.

No Agency shall undertake to perform these activities in the Port unless and until they are issued a valid license by the Port for the purpose.

The Stevedoring and Shore Handling policy does not apply to port operated Stevedoring & Shore handling; this exemption is only for operations entirely carried out by the port and not for operations carried out by agents partly or fully using port's labour. Stevedoring policy also does not apply to PPP & BOT berth operations.

4. Stevedoring and Shore Handling Charges

(i) TAMP shall notify the normative tariff for Stevedoring and Shore Handling activities, separately for mechanized and manual operations for the Major Ports based on a set of Guidelines to be issued to TAMP. This tariff shall be ceiling tariff. In case of any change in Role for TAMP in future, Board of the Ports will fix and notify the Rates as per the performance norms policy issued by VPT from time to time.

(ii) All port customers will be notified on the ceiling tariffs set for Stevedoring and Shore Handling activities. The tariff will be mandatorily displayed on the Port website.

(iii) The port will appoint a nodal officer responsible for monitoring of Stevedoring and Shore Handling tariffs. The officer will be responsible for handling all complaints on violation of Stevedoring and Shore Handling ceiling tariff.

(iv) The Port Trust should be liberal in issuing licenses to Stevedoring and Shore Handling agents. All eligible agents would be issued licences for Stevedoring and Shore Handling operations. As competition increases, the cost of transaction to the trade and the quality of services will also improve.

(v) The Port Trust shall charge a royalty as the licence fee for the Stevedoring and Shore-handling licences. The Port Trust shall fix a per Metric Tonne royalty rate from all agents. No discrimination will be made among the Stevedoring and Shore-handling agents on the royalty licence fee.

5. License for Stevedores & Shore Handling Agents

The Port shall host the Stevedoring and Shore Handling regulations in their web site and any eligible firm which fulfils the eligibility criteria can apply for license at any time on-line along with requisite documents. The stevedoring and shore handling licenses shall be issued by the port, in case the firm fulfils the following criteria:

(i) It shall be a Company registered under the Companies Act or a partnership firm or any other legal entity.

(ii) It shall deposit security amount of at least Rs. 5 lakhs to meet any contingency which shall be refunded without interest after adjusting the claims, if any, when the licensee ceases to operate.

(iii) The Stevedoring and Shore Handling agent shall undertake to provide equipment/gear required for both the operations as specified by the Port Trust Board.

(iv) The Stevedoring and Shore Handling agents shall undertake to employ at least 6 supervisory personnel with minimum two years of cargo handling/ stowage experience for undertaking both the functions. Their profiles have to be enclosed along with the application.

(v) The fee for issue of license shall be on payment of a minimum application fee of Rs. 50,000, which may be revised from time to time by the Port Trust Board.

6. Migration to the new Stevedoring and Shore – handling scheme

The existing Stevedoring Agents will have to switch over to the new Stevedoring and shore handling scheme from that date and charge the ceiling tariff fixed. If they do not switch over to the new scheme, the license shall be terminated by the Port Trust by giving due notice as envisaged under the existing Regulations.

All existing contracts applicable to Stevedoring and Shore handling operations would be allowed exemption till the date of expiry of the contract or till the date of charge the ceiling tariff is revised whichever date is earlier.

7. Validity / Renewal of licence

(i) The application for Grant / Renewal of Stevedoring & Shore Handling license shall be made in the "Form-A" which may be prescribed by the Port and shall be valid for a period of 3 years from the date of issuance of License.

(ii) Every license granted or renewed under these Regulations shall be in the "Form-B" which may be prescribed by the Port.

(iii) No application for renewal of license received after the date of expiry of the license will be considered.

(iv) In the event of loss or defacing of the original license, a duplicate license may be obtained on an application made to the Traffic Manager on payment of Rs.100/-.

(v) The license will be valid for a period of three years from the date of issuance of licence.

(vi) The daily performance report capturing productivity achieved by the Stevedoring agent in the prescribed format shall be submitted by the Stevedoring & Shore Handling agent to the Traffic Department online. The Chairman of the Port Trust will review the performance of Stevedoring & Shore Handling agent every month.

(vii) Compliance of terms and conditions of the licence issued to the agents, safety norms followed by the agents will be monitored by Traffic Manager and a report to be submitted to the Chairman.

(viii) If the Traffic Manager finds any default on the part of Stevedoring & Shore Handling agent, he shall cause to issue warning in the event of first default and in the event of second default, the license of the Stevedoring & Shore Handling agent shall be liable to be cancelled, apart from levying penalties.

(ix) At the end of three years, the license shall be renewed strictly on the basis of above mentioned performance reports.

(x) Application as per the prescribed proforma of the port for renewal of Stevedoring & Shore Handling license shall be made at least three months before the expiry of the license.

(xi) If the Stevedore & Shore Handling agent fulfils the required conditions and is eligible for renewal but awaiting safety clearance before expiry of the license period, Port may permit the Stevedoring operation by executing an Indemnity bond.

8. Duties & Responsibilities :

The Port may prescribe duties, responsibilities and performance parameters of Stevedores & Shore Handling agents to ensure the safe and efficient handling as per their Stevedoring & Shore Handling Licensing Rules, keeping in view the following basic criteria:

(i) Stevedore & Shore Handling agents shall comply with applicable safety norms in relation to such operations and with the applicable statutes regarding labour.

(ii) Stevedore & Shore Handling agent shall indemnify the Board against all third party claims arising out of such operations.

(iii) Whenever casual workers are deployed, the Stevedore & Shore Handling agents should ensure that such workers are covered by the insurance policy.

(iv) If any gear, plant or any other property of the Port is damaged in the course of stevedoring and shore handling operation the Stevedore and Shore Handling agent shall compensate the Port for such loss or damage.

(v) Stevedore & Shore Handling agent shall deploy necessary equipment as indicated by the Port in the license.

(vi) Stevedore & Shore Handling agent shall achieve the performance norms fixed by the Port's Berthing Policy.

(vii) The Stevedore & Shore Handling agencies shall publish their tariff along with break up in their web sites and in the website of the Port.

9. Cancellation / Suspension of license

A) The port may at any time suspend or cancel the license issued to a Stevedore & Shore Handling agent for violation of any of the terms of license or for any reasons listed below :

(i) The firm does not achieve the performance norms issued by the Port Authority for an average over a period of 3 months.

(ii) The firm is found to be charging higher than the ceiling tariff defined for Stevedore & Shore Handling activities in the Port

(iii) The CEO of the Stevedoring and Shore Handling firm has been convicted by the Court of any offence involving moral turpitude and sentenced in respect, thereof, to imprisonment for not less than six months, and a period of five years has not elapsed from the date of expiry of the sentence.

(iv) Violation of safety regulations and mandatory Dock Safety measures

(v) Adopting improper and unsafe handling methods.

(vi) Misrepresentation or misstatement of material facts

(vii) Firm adjudged insolvent or going into liquidations

(viii) Transfer of the stevedoring and shore handling operations or sublet of the license to any other individual or parties

(ix) Violation of security related rules & instructions like ISPS code compliance etc.,

(x) Any misconduct which in the opinion of the Board warrant such cancellation or suspension

(xi) Indulging in illegal/corrupt practices.

B) Provided that no such license shall be cancelled or suspended as the case may be until the holder of the license has been given a reasonable opportunity for showing cause why his license should not be cancelled or suspended as the case may be.

10. Appeal

Any person aggrieved by any order relating to cancellation/suspension/refusal to issue licenses, may prefer an appeal in writing to the Chairman of the concerned port or any other higher authority, as the case may be, within 30 days of the communication of the order appealed against.

11.Deployment of workers.

Existing practice of deploying Port labour by Stevedore and Shore Handling agents may continue. In case the Port is unable to supply the requisite workers against the requisition placed by Stevedore and Shore Handling agent, the Port may allow the Stevedore and the Shore Handling agent to make their own arrangement for this purpose. No notional booking or levying of changes should be made and agents shall not be levied any charges for labour, in case the Port Trust does not supply the labour.

12. Performance Criteria

Productivity norms for the Stevedores and Shore Handling agents shall be calculated based on the performance norms policy, issued by VPT from time to time. Performance based penalty & incentives shall be enforced in accordance with the performance norms policy, VPT Board has the authority to reassess the penalty bonds and / or incentive bands in the frequency as prescribed in the performance norms policy issued by VPT from time to time.

Daily performance Report in the prescribed format shall be submitted by the Stevedoring & Shore Handling agent to the Traffic Department online. Performance of the agent in terms of productivity achieved will be reviewed by the Port Chairman every month. The monthly performance summary capturing productivity achieved by the respective agents will be published on the Port website to ensure transparency to the customers.

Licenses of agents failing to meet productivity norms for an average over a period of 3 months can be revoked by the Port Authority.

13. Training, use of Modern Technology

The personnel deployed in Stevedoring & Shore Handling activities shall be trained in modern methods of cargo handling for improving the productivity, efficiency and safety.

T. VENUGOPAL,
Secretary I/c.

FORM – A

To
The Traffic Manager,
Visakhapatnam Port Trust,
VISAKHAPATNAM.

APPLICATION FORM FOR THE GRANT / RENEWAL OF STEVEDORING & SHORE HANDLING LICENCE

1	Name of the Applicant	
2	Whether individual/firm or Company (Article of partnership deed/company to be produced).	
3	Full Address	
4	Year(s) for which licence is required.	
5	Name(s) of the Steamship Company/ Charterer of Ships/Owner of Cargo with whom the contract for Stevedoring their Vessel/Cargo subsists or is proposed to be entered (proof of contract for the period covered is to be appended and the approximate tonnage for each party is to be indicated).	
6	Previous experience in the case of renewal of licence is to be furnished. (The Cargo and tonnage stevedored in the previous 3 years is to be furnished).	
7	Amount of financial ability to meet obligations on account of wages, compensation under Workmen's Compensation Act 1923 etc. (A Certificate from the Bankers as to the financial ability and Income Tax Clearance Certificate is to be produced).	
8	Whether the applicant is willing to acquire adequate gear for stevedoring the contracted Vessel, Cargo. (List of gear with necessary Certificate is to be furnished).	
9	Whether the applicant has/is willing to have in this employment adequate staff with experience and conversance with Rules/Regulations (A list of the staff and their experience is to be furnished).	
10	Whether the applicant has cleared all the dues, if any, on account of transactions he had with the Visakhapatnam Port Trust and Dock Labour Board/ Visakhapatnam Stevedores Association. (Proof of Clearance Certificate is to be produced).	
11	Whether the Licence fee, the Earnest Money Deposit, a Deposit of Rs. 5.00 Lakh cash (Receipt for the payment is to be attached). (The Licence Fee and the Deposit will be refunded if the licence is not issued/ removed).	

I affirm that the particulars given are true to the best of my knowledge and belief.

I agree to furnish any other information/produce any record for inspection as may be required to consider the request for grant of licence.

I agree to abide by the Visakhapatnam Port Trust (Licensing of Stevedoring & Shore Handling and allied matters) Regulations, 2017 and to comply with the directions made by the Visakhapatnam Port Trust, from time to time, if the license is issued/renewed.

SIGNATURE OF THE APPLICANT

VIAKHAPATNAM
DATE:

VISAKHAPATNAM PORT TRUST



FORM - 'B'

LICENCE FOR UNDERTAKING STEVEDORING & SHORE HANDLING OPERATIONS

1. Name of the Licencee:

2. Address:

3. Period for which the Licence is granted

4. Any other particulars:

Place:

Date:

Licencing Authority

Designation:

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